

ISSUE MEMO

TO: J. MIKE LEONARDO, Acting Chief Engineer
Project Delivery

RANDELL H. IWASAKI, Deputy Director
Maintenance and Operations

FROM: ANNE MAYER, District Director
District 8
Chair, Pavement Program Steering Committee

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Materials Engineering and Testing Services
Division of Engineering Services
Project Manager, Pavement Standards Team

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Office of Statewide Pavement Design
Division of Design
(916) 227-7324

DATE: January 20, 2004

SUBJECT: Review and Concurrence of Pavement-Related Non-Standard Special Provisions

_____ Request for Approval

_____ For Information

_____ Request for Discussion

_____ ✓ For Signature

ISSUE:

Because of the potential impact from construction claims or poor quality work that can result from incomplete or inappropriately written pavement-related Non-Standard Special Provisions (nSSPs), there is a need to ensure that pavement-related nSSPs meet the standards and latest understandings known to the State. Since it is not possible to communicate all this information to individual designers and specification writers, it is necessary to have pavement-related nSSPs reviewed to ensure these issues are addressed. In effect, pavement-related nSSPs should follow a similar but shorter process to what is required to approve pavement-related Standard Special Provisions (SSPs).

BACKGROUND:

Pavement-related Standard Specifications and SSPs are developed and maintained by the Pavements Standards Team (PST), a multifunctional team consisting of representatives from the Federal Highway Administration and the California Department of Transportation's (Department's) District Materials Engineers (DMEs) and Divisions of Construction; Design; Engineering Services, Materials Engineering and Testing Services (METS) and Engineering Services, Office Engineer (DES-OE); Maintenance; and Research and Innovation. The PST reviews and conducts research, consults with industry and other experts in the field, addresses lessons learned from maintenance and construction, and ensures statewide consistency in State contracting documents. Sometimes pavement-related nSSPs are needed to address site-specific issues or new technologies that do not have an approved standard; pavement-related nSSPs should follow a similar process of development, review, and concurrence as used for pavement-related Standard Specifications and SSPs.

DISCUSSION:

At the October 31, 2003, quarterly meeting of the Pavement Program Steering Committee (PPSC), the committee reviewed and approved the following proposal from the PST concerning policy and procedure for developing pavement-related nSSPs and the responsibilities of concerned parties.

POLICY

Section 4-2 of the *Plans, Specifications and Estimates [PS&E] Guide* states the following regarding nSSPs: "When work is not covered by the Standard Specifications or any of the Standard Special Provisions (SSPs), a [Special Provision] (SP) for that work is to be created for the specific project and coordinated with the functional program that will ultimately approve the use of the [Non-Standard Special Provision] [nSSP]. The [district] is to have concurrence from the applicable functional program to use the [nSSP] prior to submitting the PS&E to [the DES-OE]." The PST has been designated the functional program responsible for review and concurrence of pavement-related nSSPs.

For the purposes of this policy, pavement-related nSSPs are considered to be any of the following:

- Edits to pavement-related SSPs beyond what is allowed in the SSP instructions.
- New pavement-related SSPs.
- Pavement-related pilot SSPs that are previously prepared SSPs requiring PST approval before being utilized for a specific project.

The goal of this policy is to ensure timely and quality development, review, and concurrence of pavement-related nSSPs.

PROCEDURE

The following procedure is required for requesting, evaluating, and concurring with proposals for pavement-related nSSPs.

1. The Requester prepares a draft version of the proposed pavement-related nSSP that addresses the need, meets the Department's formatting requirements for SPs (see *PS&E Guide*, Section 4, "Special Provisions"), and complies with State and federal legal requirements (e.g., proprietary items).
2. The Requester is responsible for obtaining the necessary review and concurrence from district functional units for the proposed pavement-related nSSP, and the DME should be consulted and concur. Depending upon the changes made, review may need to include the Divisions of Construction, Design, Engineering Services, Environmental Analysis, Maintenance, and/or Traffic Operations. For example, changes to payment and measurement clauses and/or construction methods and quality control/quality assurance clauses need concurrence from the Division of Construction; changes that impact design standards or require design exceptions need concurrence from the Division of Design; changes to warranty clauses require concurrence from the Division of Maintenance. Additionally, it is recommended the Requester consult with the PST in developing a pavement-related nSSP.
3. The Requester submits a pavement-related nSSP request to the Deputy Division Chief of METS, who has been designated by the PPSC as the Project Manager of the PST. Requests should be submitted as soon as the need is determined and allow adequate time for quality review by the PST before the PS&E submittal to the DES-OE.
4. When the PST Project Manager receives the request, it will be forwarded to the Caretaker of the corresponding pavement-related Standard Specifications and SSPs. The Caretaker then will:
 - Coordinate reviews with other members of the PST.
 - Request any additional information from the Requester needed to make a determination.
 - Provide a timeline of review completion to the Requester and the PST Project Manager.

- Work directly with the Requester to address comments from and resolve issues raised by the PST.
 - Provide a recommendation for or against concurrence to the PST Project Manager.
5. Each functional unit within the PST is to review pavement-related nSSP proposals based on applicable expertise and impact to their functional area of responsibility.
 6. After the Caretaker has provided a recommendation to the PST Project Manager, the PST Project Manager will ensure all parties affected have had an opportunity to provide input on the recommendation and have had comments addressed. The PST Project Manager then will provide a written response concurring with or rejecting the proposed pavement-related nSSP.
 7. Upon receiving the PST response, the Requester is to place the response in the project file and submit copies of the concurrences to the DES-OE with the PS&E submittal. PLEASE NOTE: Failure to obtain concurrence for pavement-related nSSPs can result in rejection of the PS&E submittal by the DES-OE and be considered an error and omission in contract documents.

RESPONSIBILITIES

Requester

The Requester is the individual seeking a pavement-related nSSP for a specific project. The Requester can be a project manager, project engineer, oversight engineer, consultant, office engineer, materials engineer, construction representative, maintenance representative, or other functional unit representative.

The Requester:

- Prepares the proposal for a pavement-related nSSP that meets the Department's standards for SPs.
- Obtains concurrences from the DME and other applicable district functional representatives for the pavement-related nSSP proposal.
- Ensures copies of concurrences for the pavement-related nSSP are placed in the project file and transmitted to the DES-OE at the time of PS&E submittal.

DME

- Provides support and expertise to the Requester and the PST in developing pavement-related nSSP proposals and resolving issues.

PST Project Manager

- Receives and responds to requests for pavement-related nSSPs.
- Establishes submittal requirements and forms for requesting pavement-related nSSPs.
- Tracks pavement-related nSSP requests from receipt to response.
- Maintains a list of Caretakers for pavement-related Standard Specifications and SSPs.
- Ensures a complete quality review of pavement-related nSSP requests is performed by the PST.

Caretaker of Pavement-Related Standard Specifications and SSPs

The Caretaker can vary from specification to specification. Typically, the Caretaker represents the functional unit responsible for conducting and developing the data and procedures used to develop the corresponding pavement-related Standard Specifications and SSPs. Caretaker assignments are established by the PST.

The Caretaker:

- Coordinates review of proposed pavement-related nSSPs with the PST and the Requester.
- Develops a schedule for review of each pavement-related nSSP proposal.
- Makes recommendation for or against concurrence of each pavement-related nSSP proposal to the PST Project Manager.
- Provides advice and guidance to the Requester on preparation of a pavement-related nSSP proposal.
- Maintains and develops pavement-related pilot SSPs.
- Maintains contact with industry and discusses issues related to specifications as needed.

PST

- Reviews pavement-related nSSP proposals on behalf of respective functional units in a timely manner.

PPSC

- Ensures statewide implementation of the provisions of this policy.

EFFECT ON EXISTING LAW:

None.

ESTIMATED COST:

None.

TIME FACTOR:

Upon approval, full implementation of the procedure is expected by February 2004.

METHOD OF IMPLEMENTATION:

Upon approval, the following actions will be taken:

1. The PST will post the procedure on the Pavement website in the specifications directory.
2. The attached implementation memo will be sent to the districts under the signature of the PST Project Manager. The memo will provide a reminder about the importance of working with the PST when developing pavement-related nSSPs and will introduce the Pavement website and new procedure to the districts.
3. The PST will log and track pavement-related nSSPs when received to measure the team's performance in working with the districts and to identify any needs for new pavement-related SSPs or changes to existing pavement-related SSPs.

J. Mike Leonardo, Acting Chief Engineer
Randell H. Iwasaki, Deputy Director
January 20, 2004
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RECOMMENDATION:

Adopt the policy and procedure outlined in the Discussion section of this Issue Memo.

RECOMMEND FOR APPROVAL:

ORIGINAL SIGNED BY 01/20/04
PHILIP J. STOLARSKI Date
Deputy Division Chief
Materials Engineering and Testing Services
Division of Engineering Services
Project Manager, Pavement Standards Team

ORIGINAL SIGNED BY 01/21/04
KRIS KUHL FOR
JOHN C. McMILLAN Date
Deputy Division Chief
Office Engineer
Division of Engineering Services

CONCUR:

ORIGINAL SIGNED BY 01/23/04
ANNE MAYER Date
District Director
District 8
Chair, Pavement Program Steering Committee

APPROVED:

ORIGINAL SIGNED BY 01/29/04
J. MIKE LEONARDO Date
Acting Chief Engineer

ORIGINAL SIGNED BY 01/30/04
RANDELL H. IWASAKI Date
Deputy Director
Maintenance and Operations

Attachments: Draft Implementation Memo
Procedure for Sponsor Concurrence of Pavement-Related nSSPs
Sample Pavement-Related nSSP Request Memo